

IN THE COURT OF APPEALS OF TENNESSEE
MIDDLE SECTION AT NASHVILLE

FILED

January 16, 1998

Cecil W. Crowson
Appellate Court Clerk

IN RE:)

AMELIA JEAN DOWLING)

a/k/a)

AMELIA JEAN BERLE,)

a minor)

Davidson Probate
No. 97P-83

Appeal No.

01-A-01-9706-PB-00268

DISSENT

This respectful dissent is deemed necessary and proper for the following reasons:

The majority of American parents have reared or are rearing children. It therefore requires no "crystal ball" or expert knowledge to have, express and apply an opinion as to the effect upon a child of being known by a surname different from that of its parents. Children are frequently addressed by their teachers and playmates by their surnames rather than their given (first) name.

The subject child is now about 18 months old. She has not yet experienced, but certainly will experience confusion and embarrassment with her playmates and teachers.

Under these considerations, the parents had the burden of showing that the best interest of the child would be served by allowing the name change. No evidence on this subject having been offered, the Trial Judge properly denied the parents' unusual request.

Upon appeal, this Court recognized the interest of the child by designating a guardian ad litem who did not recognize the interest of the child but argued in favor of the rights of the child.

In this procedural situation there is no expectation that an application for permission to appeal to the Supreme Court will be filed.

This Court should designate another guardian ad litem to make such application to the Supreme Court and, if permitted, to actively represent the interest of the child in that court.

Respectfully submitted,

HENRY F. TODD
PRESIDING JUDGE, MIDDLE SECTION